



# City of NORFOLK

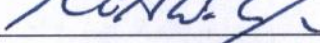
C: Dir., Department of Planning and Community  
Development

To the Honorable Council  
City of Norfolk, Virginia

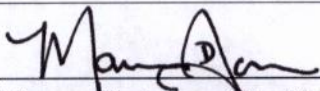
May 24, 2016

From: George M. Homewood, AICP CFM, Planning Director

Subject: **The closing, vacating and discontinuing of a portion of Jolly Roger Way**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **PH-6**

- I. **Staff Recommendation:** Approval
  - II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
  - III. **Request:** Closure of a portion of Jolly Roger Way from the eastern line of Shore Drive to the western line of 23<sup>rd</sup> Bay Street.
  - IV. **Applicant:** Norfolk Redevelopment and Housing Authority
  - V. **Description:**
    - The right-of-way to be closed is located entirely within the East Beach Community which is developed with residential and mixed uses.
    - The right-of-way will be incorporated into the site plan for the next phase of development in East Beach.
    - Appropriate utility easements and adjustments related to the proposed closure have been made with the Norfolk Department of Utilities, Dominion Virginia Power, and Verizon.
    - This property, if closed, will convey to the Norfolk Redevelopment and Housing Authority at no cost.
  - VI. Staff point of contact: Jeffrey Raliski at 664-4766, [jeffrey.raliski@norfolk.gov](mailto:jeffrey.raliski@norfolk.gov)
- Attachments:
- Ordinance
  - Staff Report to CPC dated May 28, 2015 with attachments
  - Proponents and Opponents

**Planning Commission Public Hearing: April 28, 2016**

Executive Secretary: George M. Homewood, AICP, CFM *GH*

Staff: Jeffrey K. Raliski, AICP *JR*

Staff Report	Item No. 21	
Applicant	Norfolk Redevelopment and Housing Authority	
Request	Street Closure of Portions of Nansemond Bay Street and Jolly Roger Way	
Site Characteristics	Zoning	PD-MUEB (East Beach Planned Development Mixed Use)
	Neighborhood	East Beach
	Character District	Downtown
Surrounding Area	North	PD-MUEB
	East	PD-MUEB
	South	PD-MUEB
	West	C-3 (Retail Center District)





#### **A. Summary of Request**

- This agenda item is to close portions of Nansemond Bay Street between the southern line of Pleasant Avenue and the northern line of Jolly Roger Way and Jolly Roger Way between the eastern line of Shore Drive and the western line of 23<sup>RD</sup> Bay Street.
- The rights-of-way to be closed is located entirely within East Beach community which is developed with residential and mixed uses.
- The property will be incorporated into the site plan for the next phase of commercial development in East Beach.
- Appropriate utility easements and adjustments related to the proposed closures have been made with the Norfolk Department of Utilities, Dominion Virginia Power, and Verizon.

#### **B. Financial Impact**

- This property, if closed, will convey to the Norfolk Redevelopment and Housing Authority at no cost.
- The addition of the right-of-way to the adjacent parcels should positively impact the value of these properties.

#### **C. Impact on Surrounding Area/Site**

- The right-of-way proposed for closure is not an identified existing or planned pedestrian or bicycle route in Norfolk plans.
- Closure of these rights-of-way will not create additional traffic in the East Beach community.

#### **D. Civic League**

- Letter was mailed to the East Beach Civic League President on March 16, 2016.

#### **E. Community Outreach/Notification**

- Letters were mailed to all property owners within 300 feet of the property on April 13.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

#### **F. Recommendation**

Staff recommends that the proposed closure of portions of Nansemond Bay Street and Jolly Roger Way be **approved**.

#### **Attachments**

- Location Map
- Zoning Map
- Civic League Letter

**Proponents**

Robert Rivera  
3615 Tait Terrace  
Norfolk VA 23513

Heather Jones  
3615 Tait Terrace  
Norfolk VA 23513

Jennifer Ortiz Cliff  
3701 Tait Terrace  
Norfolk VA 23513

Edward Cliff  
3701 Tait Terrace  
Norfolk VA 23513

**Opponents**

Form and Correctness Approved:

By

Office of the City Attorney

4/29  
Contents Approved:

By

DEPT. Planning

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION OF JOLLY ROGER WAY FROM THE EASTERN LINE OF SHORE DRIVE TO THE WESTERN LINE OF 23<sup>RD</sup> BAY STREET; AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF TWO UTILITY EASEMENTS BY THE NORFOLK REDEVELOPMENT AND HOUSING AUTHORITY.

- - -

WHEREAS, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the City Council has the authority to close, vacate and discontinue public rights of way; and

WHEREAS, an application has been received from the Norfolk Redevelopment Housing Authority ("NRHA") for the closure of a portion of Jolly Roger Way from the eastern line of Shore Drive to the western line of 23<sup>rd</sup> Bay Street, as described in Exhibit A and shown on Exhibit B, attached to and made a part of this ordinance; and

WHEREAS, after a public hearing, the City Planning Commission recommended that the said portion of Jolly Roger Way be closed, vacated and discontinued; and

WHEREAS, the City requires two utility easements, one fifteen feet in width and one variable in width, as described in



Exhibit C and shown on Exhibit D attached hereto, which easements NRHA has agreed to convey to the City; and

WHEREAS, the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 42-212 and 42-213 of the Norfolk City Code, 1979, which relate to the vacation of public rights of way, have been met; and

WHEREAS, after a public hearing duly held, it is the judgment of the Council that the said portion of Jolly Roger Way is not needed for public use and travel and should be closed, vacated and discontinued as a public street of the City of Norfolk; now therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the portion of Jolly Roger Way from the eastern line of Shore Drive to the western line of 23<sup>rd</sup> Bay Street, as more particularly described in Exhibit A and shown on Exhibit B, attached hereto, is closed, vacated and discontinued as a public street of the City of Norfolk.

Section 2:- That in consideration of the conveyance of two utility easements by the NRHA as described in Exhibit C and shown on Exhibit D, which the City Manager is authorized to accept on behalf of the City, and consistent with City policy regarding the closure of certain streets, the requirements of Section 42-212 of the Norfolk City Code, 1979, are hereby waived.

Section 3:- That upon the effective date of this ordinance, a certified copy shall be recorded in the Clerk's Office of the Circuit Court of the City of Norfolk as deeds are recorded.

Section 4:- That this ordinance shall be in effect from and after thirty (30) days from the date of its adoption.

## **EXHIBIT A TO ORDINANCE**

### **Closure of a Portion of Jolly Roger Way**

An irregular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: COMMENCING at a point that is the northwestern corner of Lot 7-63, Phase Seven, being shown on that certain plat entitled, "Resubdivision of a Portion of Subdivision of East Beach Phase Seven", Sheet 7 of 9; said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia in Map Book 73, Page 113; thence, from the point of commencement running along the eastern right of way line of Shore Drive, S04°-29'-45"W, 57.38 feet to a point; thence, turning along said eastern line of Shore Drive in an easterly direction along a curve to the left having a radius of 15.00 feet and an arc length of 12.62 feet to a point; said point being the Point of Beginning; thence, turning and leaving said eastern line of Shore Drive along the northern line of Jolly Roger Way in an easterly direction along a curve to the left having a radius of 15.00 feet and an arc length of 11.55 feet to a point; thence, continuing in an easterly direction along the northern line of Jolly Roger Way along a bearing of S87°-49'-39"E, 57.81 feet to a point; thence, turning along the northern line of Jolly Roger Way in a northerly direction along a curve to the left having a radius of 10.00 feet and an arc length of 14.51 feet to a point; thence, continuing in an easterly direction across the line of Nansemond Bay Street along a bearing of S78°-30'-08"E, 51.05 feet to a point; thence S80°-57'-42"E, 63.50 feet to a point on the western line of 23<sup>rd</sup> Bay Street; thence, in a southerly direction along the western line of 23<sup>rd</sup> Bay Street S05°-44'-28"W, 56.09 feet to a point on the southern line of Jolly Roger Way; thence, continuing along the southern line of Jolly Roger Way, N80°-57'-42"W, 84.01 to a point; thence, continuing on the southern line of Jolly Roger Way, N87°-49'-39"W, 88.62 to a point; thence, turning along the southern line of Jolly Roger Way in a southerly direction along a curve to the left having a radius of 15.00 feet and an arc length of 11.74 feet to a point; thence, continuing in a northerly direction along a bearing of N02°-56'-16"W, 61.85 feet to the Point of Beginning, all as shown on that certain exhibit entitled "Street Closure Exhibit for Resubdivision of a Portion of Subdivision of East Beach Phase Seven" dated August 19, 2015, and indexed as Sheet 2 of 3.

The above-described parcel contains 0.228 acre of land, more or less.

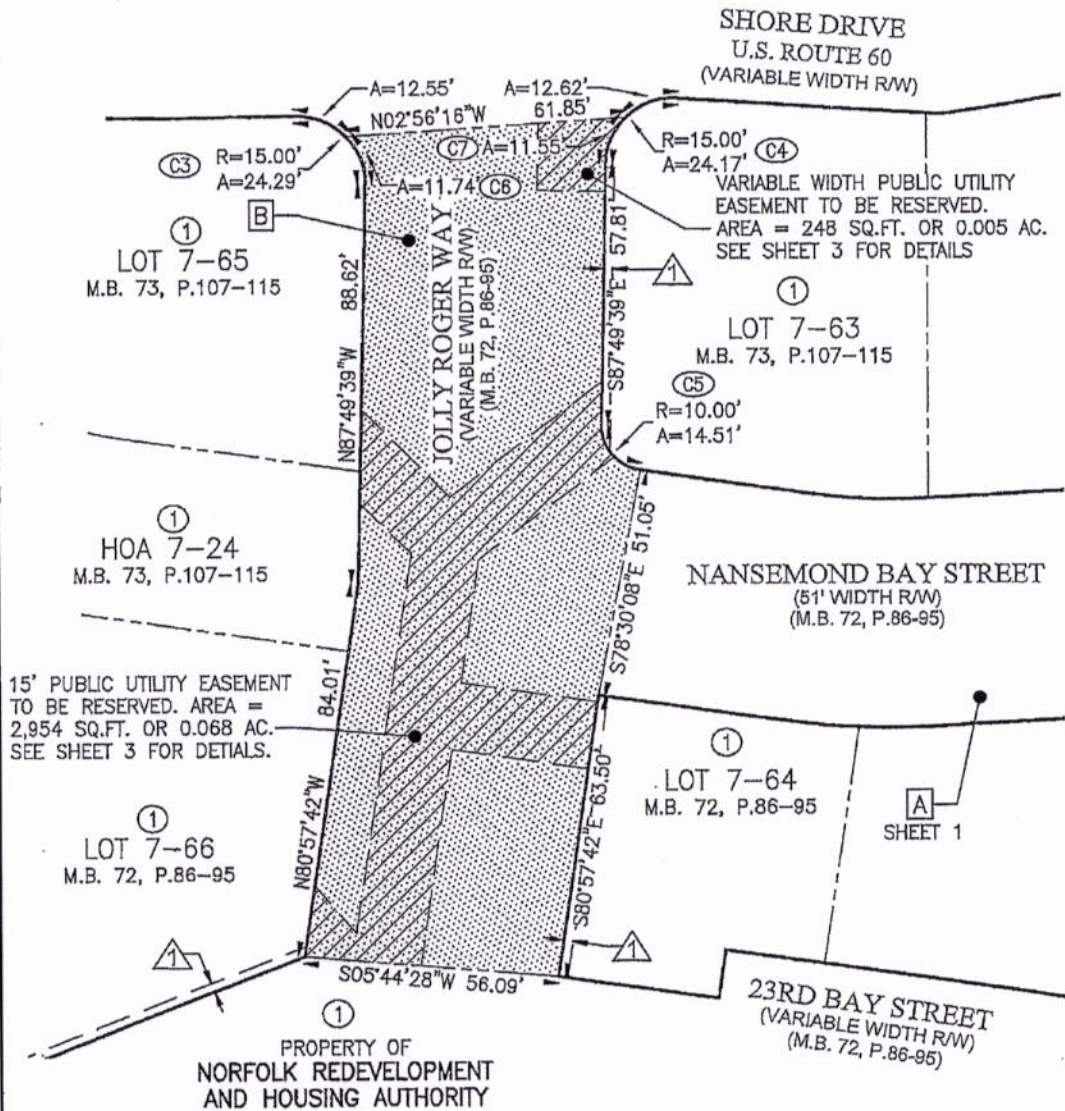
*November 25, 2015*



# EXHIBIT B TO ORDINANCE

VIRGINIA STATE PLANE  
COORDINATE SYSTEM, SOUTH  
ZONE NAD83 (93 HARN)

CURVE TABLE						
CURVE	ARC	RADIUS	DELTA	TANGENT	CHORD	BEARING
C3	24.29'	15.00'	92°47'00"	15.75'	21.72'	S45°46'51"W
C4	24.17'	15.00'	92°19'24"	15.62'	21.64'	S41°39'57"E
C5	14.51'	10.00'	83°08'03"	8.87'	13.27'	N50°36'19"E
C6	11.74'	15.00'	44°51'44"	6.19'	11.45'	S69°44'29"W
C7	11.55'	15.00'	44°08'02"	6.08'	11.27'	S65°45'39"E



DENOTES RIGHT-OF-WAY TO BE CLOSED

DENOTES PUBLIC UTILITY  
EASEMENT TO BE RESERVED

RIGHT-OF-WAY TO BE CLOSED  
AREA= 11,499 SQ.FT. OR 0.264 AC.

RIGHT-OF-WAY TO BE CLOSED  
AREA= 10,444 SQ.FT. OR 0.240 AC.

2' PUBLIC UTILITY EASEMENT  
(M.B. 72, P. 86-95)

## STREET CLOSURE EXHIBIT

FOR  
RESUBDIVISION OF A PORTION OF  
SUBDIVISION OF EAST BEACH PHASE 7  
NORFOLK, VIRGINIA

SCALE: 1"=30'

AUGUST 19, 2015

ROUSE-SIRINE ASSOCIATES, LTD.  
LAND SURVEYORS & MAPPING CONSULTANTS

www.rouse-sirine.com

333 OFFICE SQUARE LANE  
VIRGINIA BEACH, VIRGINIA 23462  
TEL:(757)490-2300  
FAX:(757)499-9136

362 McLAWS CIRCLE, SUITE 1  
WILLIAMSBURG, VIRGINIA 23185  
TEL:(757)903-4695  
FAX:(757)903-4489



0 30 60 90 FEET

GRAPHIC SCALE



## EXHIBIT C TO ORDINANCE

### **15' Utility Easement to be conveyed to the City of Norfolk on Jolly Roger Way**

An irregular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: COMMENCING at a point that is the southeastern corner of Lot 7-64, Phase Seven, being shown on that certain plat entitled, "Resubdivision of a Portion of Subdivision of East Beach Phase Seven"; said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia in Map Book 72, Page 92, Sheet 7 of 10; thence, from the point of commencement running along the western right-of-way line of 23<sup>rd</sup> Bay Street, S05°-44'-28"W, 30.74 feet to a point; said point being the corner of a reserved utility easement and the Point of Beginning; thence, continuing in a southerly direction along the western right-of-way line of 23<sup>rd</sup> Bay Street, S05°-44'-28"W, 25.35 feet to a point; thence, N80°-57'-42"W, 15.99 feet to a point; said point being located on the southern right-of-way line of Jolly Roger Way; thence, along the southern right-of-way of Jolly Roger Way, a bearing of N50°-46'-41"E, 13.85 feet to a point; thence, along a bearing of N80°-51'-30"W, 85.44 feet to a point; thence, S46°-03'-30"W, 15.78 feet to a point; said point being located on the southern right-of-way line of Jolly Roger Way; thence, along the southern right-of-way of Jolly Roger Way, a bearing of N87°-49'-39"W, 20.81 feet to a point; thence, along a bearing of N46°-03'-30"E, 27.39 feet to a point; thence, along a bearing of N36°-15'-59"W, 42.43 feet to a point; said point being located on the northern right-of-way line of Jolly Roger Way; thence, along a bearing of S87°-49'-39"E, 9.58 feet to a point; thence, turning along the northern line of Jolly Roger Way in a northerly direction along a curve to the left having a radius of 10.00 feet and an arc length of 8.00 feet to a point; thence, along a bearing of S36°-15'-59"E, 37.87 feet to a point; thence, along a bearing of S80°-51'-30"E, 27.77 feet to a point; thence, along a bearing of N09°-08'-30"E, 30.56 feet to a point; said point being located on the northern right-of-way line of Jolly Roger Way; thence, along a bearing of S80°-57'-42"E, 15.00 feet to a point; thence, along a bearing of S09°-08'-30"W, 30.58 feet to a point; thence, along a bearing of S80°-51'-30"E, 48.62 feet to a point; said point being located on the western line of 23<sup>rd</sup> Bay Street and also being the Point of Beginning; all as shown on that certain exhibit entitled "Street Closure Exhibit for Resubdivision of a Portion of Subdivision of East Beach Phase Seven" dated August 19, 2015, and indexed as Sheet 3 of 3.

The above-described parcel contains 0.068 acre of land, more or less.

*November 25, 2015*

**Variable Width Utility Easement  
to be conveyed to the City of Norfolk  
on Jolly Roger Way**

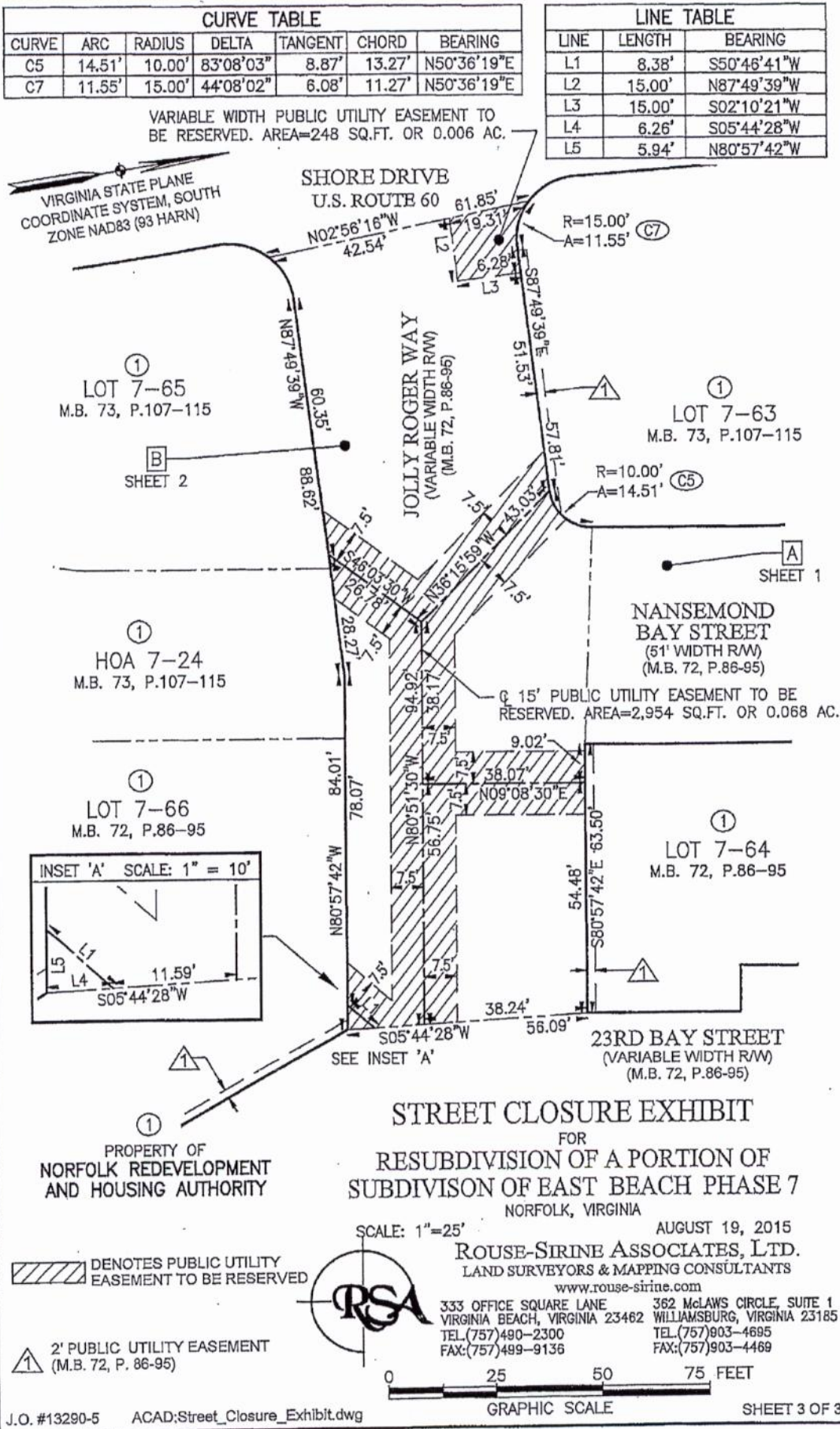
A rectangular-shaped lot, piece or parcel of land situate, lying and being in the City of Norfolk, Virginia, said parcel being further described as follows: COMMENCING at a point that is the northwestern corner of Lot 7-63, Phase Seven, being shown on that certain plat entitled, "Resubdivision of a Portion of Subdivision of East Beach Phase Seven"; said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia in Map Book 73, Page 113; thence, from the point of commencement running along the eastern right of way line of Shore Drive, S04°-29'-45"W, 57.38 feet to a point; thence, turning along said eastern line of Shore Drive in an southerly direction along a curve to the left having a radius of 15.00 feet and an arc length of 12.62 feet to a point; said point being the Point of Beginning; thence, turning along the northern line of Jolly Roger Way in an easterly direction along a curve to the left having a radius of 15.00 feet and an arc length of 11.55 feet to a point; thence, continuing in an easterly direction along the northern line of Jolly Roger Way along a bearing of S87°-49'-39"E, 6.28 feet to a point; thence, along a bearing of S02°-10'-21"W, 15.00 feet to a point; thence, along a bearing of N87°-49'-39"W, 15.00 to a point; thence, along a bearing of N02°-56'-16"W, 19.31 feet to a point; said point being the Point of Beginning; all as shown on that certain exhibit entitled "Street Closure Exhibit for Resubdivision of a Portion of Subdivision of East Beach Phase Seven" dated August 19, 2015, and indexed as Sheet 3 of 3.

The above-described parcel contains 0.006 acre of land, more or less.

*November 25, 2015*

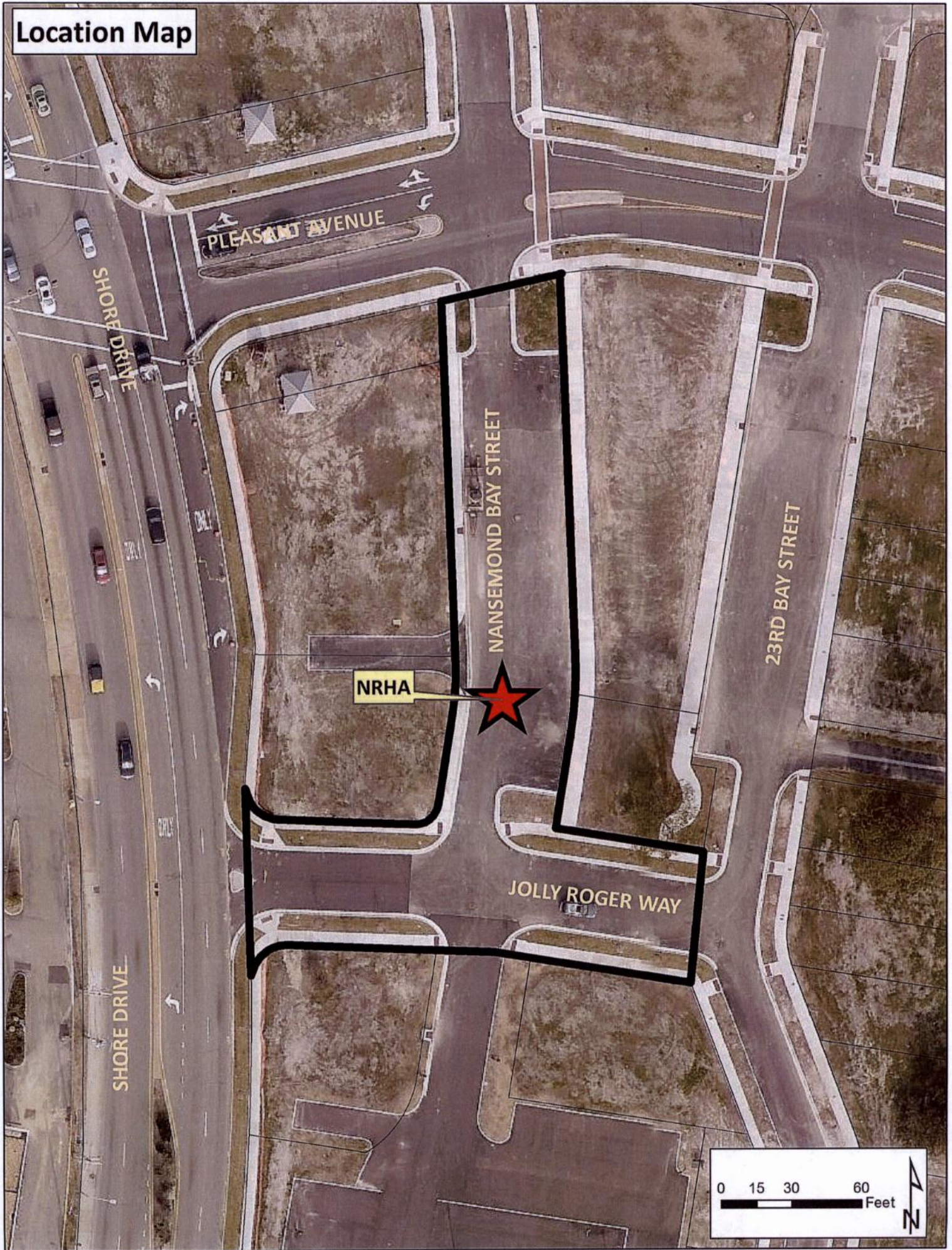


# EXHIBIT D TO ORDINANCE





Location Map



NRHA

NANSEMOND BAY STREET

23RD BAY STREET

JOLLY ROGER WAY

SHORE DRIVE

PLEASANT AVENUE

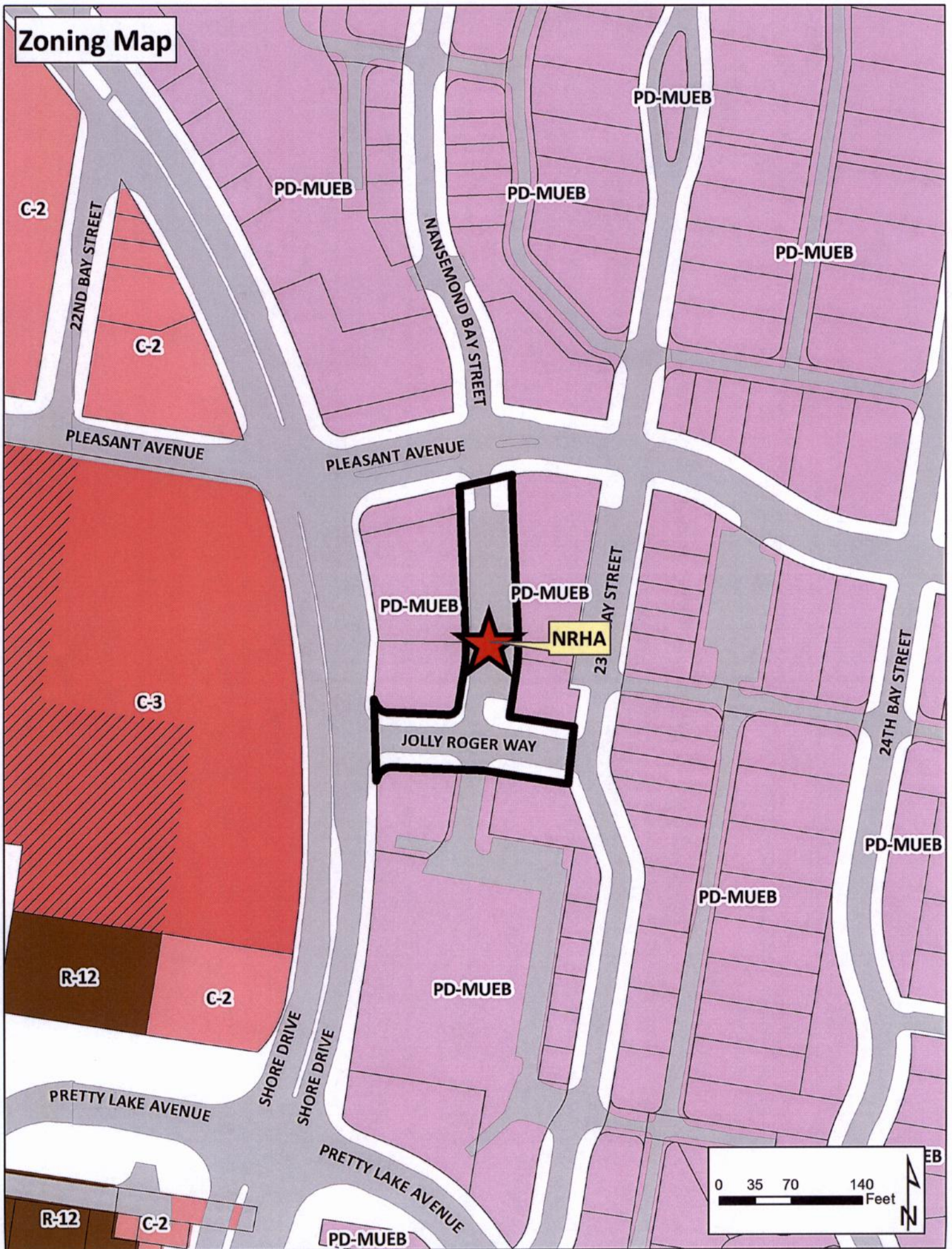
SHORE DRIVE

0 15 30 60 Feet





# Zoning Map





## Raliski, Jeffrey

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**From:** Straley, Matthew  
**Sent:** Wednesday, March 16, 2016 2:35 PM  
**To:** greenie4720@yahoo.com  
**Cc:** Smigiel, Thomas; Winn, Barclay; Ransom, Carlton; Raliski, Jeffrey  
**Subject:** new Planning Commission application  
**Attachments:** NRHA\_StreetClosure.pdf

Mr. Greene,

Attached please find the application for the following street closures:

1. That portion of Nansemond Bay Street between the southern line of Pleasant Avenue and the northern line of Jolly Roger Way, as shown on the plat entitled, "Subdivision of East Beach, Phase 7," said plat being prepared by Rouse-Sirine Associates, Ltd., a surveying firm in Virginia Beach, Virginia, said plat being dated July 9, 2014, said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia in Map Book 73, Pages 107-115.
2. That portion of Jolly Roger Way between the eastern line of Shore Drive and the western line of 23<sup>RD</sup> Bay Street, as shown on the plat entitled, "Subdivision of East Beach, Phase 7," said plat being prepared by Rouse-Sirine Associates, Ltd., a surveying firm in Virginia Beach, Virginia, said plat being dated July 9, 2014, said plat being duly recorded in the Clerk's Office of the Circuit Court of the City of Norfolk, Virginia in Map Book 73, Pages 107-115.

The purpose of the requests is to allow for the properties to be consolidated to provide for a larger site capable of sustaining commercial development upon the site.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

Staff contact: Jeff Raliski at (757) 664-4766, [jeffrey.raliski@norfolk.gov](mailto:jeffrey.raliski@norfolk.gov)

Thank You.

Matthew Straley  
GIS Technician II

  
City Planning  
810 Union Street, Suite 508  
Norfolk, VA 23510  
757-664-4769

Connect with us:  
[www.norfolk.gov](http://www.norfolk.gov)





**Raliski, Jeffrey**

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**From:** Kelly Brown <rkjabrown@gmail.com>  
**Sent:** Thursday, April 28, 2016 12:49 PM  
**To:** Raliski, Jeffrey  
**Subject:** Planning Meeting Today

Hello,

I am not able to attend the planning meeting today. There is a street closure Request #21 that I would like to submit my disapproval for. Closing the named streets to allow for consolidation of properties to enable commercial development without having specific details as to the commercial development does not seem reasonable. As an nearby property owner, I am concerned with the affect on traffic on 23rd Bay Street for patrons of any such commercial business. The larger the commercial development, the larger the traffic flow resulting therefrom.

I am not opposed to commercial development of the property outright but would like for the alternative to be considered in conjunction with an actual commercial use proposal.

Sincerely,  
KELLY A. BROWN  
9536 23rd Bay Street  
Norfolk, VA 23518